

(ബി) കയററി അയച്ചപ്പോൾ ആയതിന്നു ഇവിടെ ഡ്യൂട്ടി പിരിച്ചിട്ടില്ല.

(സി) കാപ്പി കൂറിങ്ങ് യാർഡിൽ കൊണ്ടുപോയി ഉണക്കി പാകപ്പെടുത്തിയശേഷം മാത്രമേ അതിന്റെ തൂക്കം നോക്കി ഡ്യൂട്ടി പിരിക്കുവാൻ നിവൃത്തിയുള്ളൂ. എന്നാൽ കൂറിങ്ങ് യാർഡുകൾ ഈ രാജ്യത്ത് ഇല്ലാത്തതുകൊണ്ട് ഇന്ത്യാഗവണ്മെന്റിന്റെ അനുമതി യോടുകൂടി പാകപ്പെടുത്താത്ത കാപ്പി അങ്ങിനെതന്നെ ഇന്ത്യായിലുള്ള കൂറിങ്ങ് യാർഡുകളിലേക്ക് അയക്കും. അവിടെ പാകപ്പെടുത്തിയശേഷം തൂക്കം എടുത്ത് ഇന്ത്യാ കാഫിബോർഡ് മുഖാന്തരം വില്പന നടത്തുന്നതും അപ്പോൾ പിരിക്കപ്പെടുന്ന ഡ്യൂട്ടി, ഇന്ത്യാഗവണ്മെന്റ് ഈ ഗവണ്മെന്റിന്നു വകവെച്ചതരികയും ചെയ്യുവാൻ പതിവ്.

3. BILLS ASSENTED TO BY HIS HIGHNESS THE MAHARAJA

Secretary to the Council: I have the honour to announce that the following bills passed by the Council have received the gracious assent of His Highness the Maharaja.

1. The Cochin Coconut Committee Act (Amendment) Bill.
2. The Cochin Registration of Births and Deaths Act (Amendment) Bill.
3. The Cochin Payment of Salaries and Allowances Act (Amendment) Bill.
4. The Cochin Oil Seeds Committee Bill.

4. ANNOUNCEMENT BY THE PRESIDENT REGARDING

ADJOURNMENT MOTIONS

Mr. President: A number of notices of Adjournment Motions have been received. One is from Mr. P. Govinda Menon to discuss a matter of urgent public importance to wit namely the situation arising out of the lockout in the Karuvannur and Panamkulam Tile Factory after the issue of the Government Order upon the report of the Adjudicator on the dispute between the employers and the workmen of the factories, and on the same subject there is an adjournment motion from Mr. P. K. Dewar, namely to discuss a matter of urgent public importance namely the situation created by the lockout of the Karuvannur and Panamkulam Tile Factories consequent on the order passed by the Government on the adjudication award on the Trade dispute in these factories. There is a cut motion also from Mr. P. K. Dewar, to raise a discussion on the inability of Government to implement the orders of Government on Adjudication awards. If the Hon'ble Members agree the adjournment motions can be discussed along with the cut motion.

Mr. P. Govinda Menon (Ernakulam): I fear, Sir, that the cut motion is restricted in scope and therefore I would very much prefer to have the Adjournment Motion.

Mr. P. K. Dewar (Nominated): I request that the cut motion also may be admitted now because it is on a supplementary grant and we do not know whether the cut motion will come in for discussion.

Mr. P. Raman Menon (Advocate-General): I beg to oppose the motion.

Mr. President: What is the procedure about the admission of the adjournment motion? Please let me have a look at it. When the President is of opinion that the matter is in order, it shall be read in Council and the sense of the House taken. I rule that the motions are in order and therefore I read the motions, i. e., the motion from Mr. P. Govinda Menon. That is, to discuss a definite matter of urgent public importance to wit the situation arising out of the lockout in the Karuvannur-Panamkulam Tile Factories after the issue of the Government order upon the report of the Adjudicator on the dispute between the employers and workmen of the factories. That motion is admitted.

Mr. P. K. Dewar (Nominated): If that motion is admitted I do not want to move my motion.

Mr. President: I should like to know whether the Hon'ble Member has the leave of the House.

Mr. P. K. Dewar (Nominated): Has it been objected?

Mr. President: No, but I must read it and ask the Hon'ble Members whether the mover has the leave of the House.

Mr. P. Raman Menon (Advocate-General): I beg to object to the motion.....

Mr. P. K. Dewar (Nominated): Has it not been already ruled that it is admissible?

Mr. President: No, No, I said that it is in order.

Mr. P. Raman Menon (Advocate-General): This matter has been the subject matter of judicial Proceedings both in the Civil Courts and in the Criminal Courts. What the Government have done in the matter was after the adjudication award was passed, Government promptly issued orders to implement the provisions that are contained therein.

Mr. President: Is it then a matter subjudice?

Mr. P. Raman Menon (Advocate-General): Yes, it is subjudice.

Mr. President: Why was it not brought to the notice of the President in the beginning before it was stated that the motion was in order. Now, at this stage, as the matter is subjudice, the whole matter seems to end here. Is it a matter subjudice?

Mr. P. Govinda Menon (Ernakulam): Certainly not, Sir. Because after all,.....

Mr. P. Raman Menon (Advocate-General): May I finish, Sir. The issues raised in the Proceedings are these that the Government issued orders to implement the award and the management took the step of closing down the mills. The question has arisen whether that closing down amounts to a closing down or lockout. If it is a lockout, it will certainly come under the provisions of the Adjudication Proclamation. If it is not a lockout then the procedure will be perfectly legitimate. That is an issue both in Civil suits as well as in the Criminal proceedings. Now the adjournment motion reads thus. "For the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance to wit the situation arising out of the lock-out in the Karuvannur and Panamkulam Tile Factories". The motion assumes that it is a lock-out. That is an issue, Sir in Civil suits. What is intended by these suits is probably to circumvent the award. It is probably to get a declaration that it is ultra vires and unenforceable and if that is so, any comments upon this issue will certainly come under the rule of subjudice. It is assumed in this adjournment motion that it is a lockout. But their contention is, that it is not, and that they are not in a position to carry on the business under the terms of the award and therefore they are permanently closing down. In this state of things I submit that the motion directly comes under the rule of subjudice.

Mr. President: But is it a matter of subjudice?

Mr. P. Govinda Menon (Ernakulam): No, Sir. If the matter is subjudice then I have absolutely no doubt that the motion is inadmissible. But after the issue of Government orders, upon the report of the adjudicator the factories were closed. I do not want to use the word lock out. I use the word the factories were closed or that they stopped work. The question at issue in the matter pending before the Court is whether they violated any provisions of the law or not, in having stopped work. The issue raised in this motion is about the situation created there, that is to say, about the economic and other situation which has developed there on account of more than 1,000 workmen having lost work. I do not want to raise any issue regarding the legality or otherwise of the employers in having closed their shops and I have even now no objection to use the word stoppage or closing of the factory. Every lockout is not illegal. The use of the word 'lockout' does not signify that it is an illegal lockout. It only means closing down and even at this stage I may make it clear that it only means closing down. I do not want to prejudice the employers by saying that it is an illegal lockout. The whole argument of the learned Advocate-General is based on the assumption that I am seeking to contend that they did it illegally. I do not want to say that. My only point is that above thousand workmen have been thrown out of work and that this has followed a Government Order upon an adjudication report. I want to have a discussion on that matter. I would suggest in a spirit of co-operation with the Government (hear, hear) ways and means by which the situation can be averted and I am surprised that Government should deem it fit to oppose this motion.

Mr. P. Raman Menon (Advocate-General): It is the issue that is before the Court.

Mr. P. Govinda Menon (Ernakulam): The issue whether the lockout is legal or illegal, is before the Court.

* **Mr. P. Kumaran Ezhuthassan (Vadakkancheri):** Even that is not before the Court. The issue before the Court is only whether the award has been respected during the days that the companies remained open. That is the only issue that is before the Court and nothing else. Therefore, let it not be opposed on that ground. If there is opposition, tenable opposition, let it come forward, otherwise let this not mar the beauty of the day. (Laughter). Let there be a discussion, Sir, so that we may know where we stand, where is the worker, where is the capitalist and where is the person playing in between these two.

Mr. K. Balakrishna Menon (Minister for Food and Education): So far as the Government are concerned, Government very much appreciate the spirit in which Mr. P. Govinda Menon was trying to help the Government and for the helpful suggestion he has given, by a discussion. That is always welcome if the Chair will please allow it provided of course it is not under sub-judice.

* Speech not corrected by the Hon'ble Member.

Mr. President: After the explanation, I find that according to the treatment of the Hon'ble Mover, it is not correctly the question of the illegality or legality that is before the court. But as a consequence of this so called serious economic situation and other results and in the light of the intention expressed by the Hon'ble Mover, I should think the motion is in order. But I declare that it is in order with this caution that a matter that is before the court whether legal or illegal lock out should not be a matter of discussion and it would be rather difficult for the Chair to closely watch it. The Hon'ble Members who take part in this debate will have that in view and do not put the Chair into unnecessary trouble.

Mr. P. Kumaran Ezhuthassan (Vadakkancheri): We know that you will be vigorous, Sir.

Mr. M. Sivarama Menon (Constitutional Adviser): Since the Mover has changed the word, the motion is in order.

Mr. President: It is presumed that the mover has the leave of the House. We will have it today or tomorrow.

Mr. P. Kumaran Ezhuthassan (Vadakkancheri): The earlier the better, Sir, because the situation is so serious.

Mr. P. Govinda Menon (Ernakulam): I am indifferent about the date.

Mr. President: Then, shall we have it today at 3-30 p.m.?

Mr. P. Govinda Menon (Ernakulam): Yes, Sir.

Mr. President: The motion will be taken up at 3-30 p.m. today.

There is another motion from Mr. P. Govinda Menon, that is to discuss a definite matter of urgent public importance to wit the conduct of the Government in having disallowed discussion on certain resolutions sent by certain Hon'ble Members of the Council which resolutions were admitted by the Hon'ble President. Of course, the Hon'ble Members are aware that certain resolutions have been allowed by the President and disallowed by the Government. While I appreciate the action of the Hon'ble Member in trying to uphold the prestige of the Chair and at the same time I closely examined the question and I find that the precedents in the Central Legislative Assembly are against the admission of such motions.

Mr. P. Govinda Menon (Ernakulam): May I be heard on the subject, Sir?

Mr. President: I shall be glad to hear the Hon'ble Member.

Mr. P. Govinda Menon (Ernakulam): Some explanation will be necessary, Sir. Now, this is not intended, with due deference to the Chair, to uphold the prestige of the Chair. I can very well understand the meaning of the Rule in the Legislative Council Rules. Rule 41 (a) which gives power to Government to disallow certain motions although they are admitted by the President. My point in moving this motion is not to contend that Government have no power to do so. The rule certainly gives them power. They are perfectly within the law in using that power, but the question is whether they have properly used it. Of course I know that Government can say that it is not in the public interest to have a discussion. Government have got certain executive powers. Government have got certain powers vested in them but it is always open to the public, it is always open to the representatives of the public and it is always open to this House to say that in exercising those powers Government went wrong. Let it not be thought for a moment that I am under the illusion that there is no power. Once the President admits a motion, Government must automatically submit to it. That is not the position I take up. The rule gives the Government certain powers, but this House can always question whether this power has been properly used. My point is that that power has been used irresponsibly in that scant respect has been shown to this legislature and my attempt is to censure the Government for making use of this power to stifle discussion on this matter. It is very clear that it is not moved in a spirit of co-operation as was done on the previous occasion. It is being moved to censure the Government for having had recourse to this provision which is not intended for this purpose.

Mr. President: So what the Hon'ble Member says is that according to him it is not whether the Government have power or not, but whether Government have exercised the discretionary power properly.

Mr. P. Govinda Menon (Ernakulam): According to me they are wrong.

Mr. President: In the light of the explanation, I would like to examine the question further and give my ruling later on.

Another adjournment motion is from Mr. G. S. Dhara Singh, that is to discuss an urgent matter of public importance and of recent occurrence to wit the non-absorption of all the employees of the Ferry and Transport Service Ltd., under the employ of the Government when the Ferry Service was assumed by the Government.

[Mr. President]

How is it a matter of urgent public importance and of recent occurrence? There is a similar motion from Mr. S. S. Koder also. Will the sponsors please explain that?

Choudhuri G. S. Dhara Singh (Mattancheri): The Service was taken over on 1st December which is 8 days back and this is the first session after that and about 120 labourers have been thrown out of employment as a consequence of the assumption of the Ferry & Transport Services by Government and about 500 people are starving for the past 7 or 8 days. So it is a matter of recent occurrence.

Mr. President: There is not much difficulty over that. What is the matter of urgent public importance?

Choudhuri G. S. Dhara Singh (Mattancheri): Because so many families are starving due to this. These labourers should be immediately taken to Government Service. That is the purpose of my adjournment motion.

Mr. S. S. Koder (Nominated): I have to speak a few words about this. If the matter of the workers in the Tile Factory at Karuvannur is a matter of public importance, I should think that the unemployment of the poor servants of the Ferry and Transport Service is also equally a matter of public importance. They are also suffering and starving on the road due to the thoughtless action of the previous Cabinet by nationalising the Ferry. I do not discuss about that now.

Mr. President: What are the numbers involved?

Mr. S. S. Koder (Nominated): About 180. Out of the 180 employees, only 19 have been absorbed and over 150 people are still unemployed which means more than 1,000 people depending on them are starving on the road side.

Mr. President: Has the Government anything to say about it.

Mr. M. Sivarama Menon (Constitutional Adviser): There is a difference between the scope of the two. Mr. Koder's motion is to discuss the serious situation that has arisen by throwing out of employment over more than 100 peoples by nationalising the Ferry and Transport Services Ltd., Cochin while the other from Mr. Dhara Singh is to wit the non-absorption of all the employees of the Ferry and Transport Services Ltd., under the employ of the Government when the Ferry Service was assumed by the Government. It is about the situation arising out of the non-employment by Government of the employees who have been thrown out of employment by a private agency. The other deals with the agency itself, that is the Government. Therefore, apart from the question of the situation arising out of the employment it is an implied obligation which is sought to be cast upon Government to employ these persons under Government service. That is an idea behind the motion. Therefore, I say that, Government cannot concede that there is an administrative responsibility upon any Department of Government to find employment for all the labourers. Government have several schemes. If an obligation is cast upon Government, that if on account of an action of the Government, any person is thrown out of employment, he should be taken to the Government Service, there is no law that it is the administrative responsibility of any Department of Government to re-employ any person who happens to be thrown out of a private job. When there is a scheme of this nature, therefore, the reemployment of these persons is not the responsibility of Government, and the adjournment motion on that ground is not admissible.

Mr. Choudhuri G. S. Dhara Singh (Mattancheri): But, if the Council is going to say that these people are to be absorbed in Government service...

Mr. M. Sivarama Menon (Constitutional Adviser): But the motion is to discuss the non-absorption of all the employees of the Ferry and Transport Service Ltd., under the employ of Government as if Government are in duty bound to find employment for those persons. Government have no such obligation and therefore Government are not at fault. It is not the administrative responsibility of any Department of the Government to re-employ all the thrown-out employees. But here I see that the motion implies that there is such a responsibility upon the Government. My objection is that.

Mr. S. S. Koder (Nominated): Not mine.

Mr. M. Sivarama Menon (Constitutional Adviser): I pointed out the difference in both.

Mr. President: In as much as a large number of employees of the Ferry and Transport Services have been thrown-out of employment and both the Hon'ble members say that about 1000 people are depending upon them, namely their families,....

രാവുബഹദൂർ ടി. കെ. നായർ: സർ ഇത് പനംകുളം-കരുവന്നൂർ ഓട്ടുകമ്പനി തൊഴി
ലാളികളുടെയും പൊലയുള്ള ഒരു കാര്യമല്ല. ഈ ഫെറി ട്രാൻസ്പോർട്ട് ഗവണ്മെന്റ് ഏറ്റെടു

*Speech not corrected by the Hon'ble Member

അപ്പോൾ, മുഖ്യമന്ത്രി കൺട്രാക്ടറുടെ കീഴിൽ ജോലി ചെയ്തിരുന്ന ആളുകളെ മുഴുവനും ജോലിക്കെടുക്കുവാൻ സാധിച്ചിട്ടില്ല. ഡിസംബർ ഒന്നാം തീയതിയോടുകൂടി കൺട്രാക്ടറുടെ കാലാവധി അവസാനിച്ചപ്പോൾ, അത് ഗവണ്മെന്റ് ഏറ്റെടുത്ത് നടത്തുവാൻ തീർച്ചയാക്കി. അങ്ങിനെ വന്നപ്പോൾ ഗവണ്മെന്റിന് ആവശ്യമുള്ള ആളുകളെ അതിൽ നിന്നു തന്നെ തിരഞ്ഞെടുത്തു. ഇനിയും ആവശ്യം വരുന്ന ആളുകളെ അതിൽ നിന്നുതന്നെ തിരഞ്ഞെടുക്കാമെന്നും അപ്പോൾ കൈമാറ്റം ചെയ്തുകൊടുത്തു.

Mr. President: I will make a decision later on.

Now the next adjournment motion is from Mr. Dewar to discuss a definite matter of urgent public importance to wit the serious food situation in the country. Has Mr. Dewar anything to say that it is a matter of urgent public importance?

Mr. P. K. Dewar (Nominated): Yes, the ration has been reduced to 4 ozs. now and the future is also very gloomy because of the want of food in the country. It is a very important question.

Mr. President: I suppose that the Hon'ble member thinks that it is a recent occurrence.

Mr. P. K. Dewar (Nominated): It is a recent occurrence, because the order of reducing the ration to 4 ozs. is very recent and a similar motion has been discussed as an adjournment motion in the last Council by Mr. P. Kumaran Ezhuthassan.

Mr. President: Has the Government to say anything about it?

Mr. K. Balakrishna Menon (Minister for Food and Education): Government do not find any reason to oppose it.

Mr. President: It is in order and therefore I will read the motion.

"Under Rule 21 of the Legislative Council Rules I move that the business of the House be adjourned to discuss a definite matter of urgent public importance to wit the serious food situation in the country." I think the Hon'ble member has the leave of the House. With regard to the time, we shall fix it as 3-30 p.m. to-morrow.

Mr. S. S. Koder (Nominated): I would like to know about the decision on my adjournment motion.

Mr. President: It will be announced later.

5. DEMANDS FOR SUPPLEMENTARY GRANTS

1. "17-7-Publicity Miscellaneous"

Rao Bahadur T. K. Nayar (Prime Minister): Sir, I move that an additional allotment of Rs. 1001 under "17-7-Publicity, etc. Miscellaneous" be granted.

This is for the purchase of 6 tyres and 6 tubes from the Dunlop Rubber Company (India) Ltd., at a cost of Rs. 1000-14-0. The purchase was sanctioned last year when funds were available but by the time the purchase was effected the year was out, and the amount lapsed. Provision has not been made in the current year's budget for the above purpose. Hence an additional allotment of Rs. 1001 is necessary under "17-7-Publicity, etc., Miscellaneous".

Mr. President: The question is that Government be granted an additional allotment of Rs. 1001 under "17-7-Publicity, etc., Miscellaneous".

Demand put and carried

2. "30-A-Civil Engineering"—by transfer from "B. 1. 9/23".

Rao Bahadur T. K. Nayar (Prime Minister): Sir, I rise to move for a sum of Re. 1 under "30-A-Civil Engineering" by transfer from "B. 1. 9/23".

The Branch Anchal Office at Karuvannur is held in a room of building No. 92 on a monthly rent of Rs. 2 per mensem. The office room is only 8' 3" x 9' in size. This accommodation is found to be insufficient. It is therefore proposed to shift the branch Anchal office to the Village Office building after effecting certain improvements. The estimated cost of the work is Rs. 155 and the ultimate cost calculating a tender excess of 227½ per cent will be Rs. 515. The work is essential and there is no provision in the budget for the work. It is therefore proposed to transfer Re. 1 from B. 1. 9 widening the Vaniampara Road towards this work. I request that the transfer may be sanctioned.

Mr. President: The question is that Government be granted an additional allotment of Rs. 515 by transfer from B. 1. 9/23 under "30-A-Civil Engineering".

Demand put and carried

3. "22-Miscellaneous (a) Refund of Lapsed Deposits and R. T. Rs. (Cranganur)"

Rao Bahadur T. K. Nayar (Prime Minister): Sir, I rise to move a supplementary demand of Rs. 500 under "22-Miscellaneous (a) Refund of Lapsed Deposits and R. T. Rs. (Cranganur)".